

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 2368 & 2318
103RD GENERAL ASSEMBLY

5958H.05C

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 407, RSMo, by adding thereto one new section relating to artificial intelligence in mental health, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 407, RSMo, is amended by adding thereto one new section, to be
2 known as section 407.3007, to read as follows:

407.3007. 1. As used in this section, the following terms mean:

2 **(1) "Artificial intelligence" or "AI":**

3 **(a) Any artificial system that performs tasks under varying and unpredictable**
4 **circumstances without significant human oversight or that can learn from experience**
5 **and improve performance when exposed to data sets;**

6 **(b) An artificial system developed in computer software, physical hardware, or**
7 **other computer systems that solves tasks requiring human-like perception, cognition,**
8 **planning, learning, communication, or physical action;**

9 **(c) An artificial system designed to think or act like a human, including cognitive**
10 **architectures and neural networks;**

11 **(d) A set of techniques, including machine learning, that is designed to**
12 **approximate a cognitive task; or**

13 **(e) An artificial system designed to act rationally, including an intelligent**
14 **software agent or embodied robot that achieves goals using perception, planning,**
15 **reasoning, learning, communicating, decision-making, and acting;**

16 **(2) "Mental health professional", the same as defined in section 632.005. The**
17 **term "mental health professional" shall also include any person licensed in a profession**
18 **regulated under chapter 337.**

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

19 **2. Any person or entity that develops or deploys artificial intelligence in the state**
20 **shall not advertise or represent to the public that the AI is or is able to act as a mental**
21 **health professional or is capable of providing therapy services, psychotherapy services,**
22 **or a mental health diagnosis.**

23 **3. Any violation of this section shall be considered an unlawful practice under**
24 **the Missouri merchandising practices act under this chapter.**

25 **4. The attorney general shall enforce the provisions of this section. Any**
26 **individual may report violations of this section to the attorney general. If the attorney**
27 **general finds that a violation occurred, the attorney general shall commence a civil**
28 **action in a court of competent jurisdiction. If the court finds that a violation occurred,**
29 **the court may grant damages, civil penalties, injunctive relief, attorney's fees, and any**
30 **such other relief the court finds appropriate. Notwithstanding section 407.100 to the**
31 **contrary, civil penalties shall be as follows:**

32 **(1) Ten thousand dollars for the first violation; or**

33 **(2) Twenty thousand dollars for any subsequent violation.**

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